Remarks

The present Preliminary Amendment is submitted in regard to the US National Stage application of PCT/AU00/01159. Filed concurrently herewith is a form PTO-1390 (Transmittal Letter to the United States Designated/Elected Office(DO/EO/US) concerning a filing under 35 U.S.C. §371) in regard to the above-identified application.

At the outset, it is proposed to amend the specification pursuant to 37 C.F.R. §1.121(b)(1)(i) and (ii) to insert appropriate headings throughout, as more particularly set forth above. It is also proposed by this Preliminary Amendment to add a terminal paragraph, as also set forth herein above, at the end of the detailed description before the claims. The Examiner will please note that the page number and line number locations for these changes to the specification are based upon the specification as it appears in the copy of the published International application under 35 U.S.C. §154(d)(4).

Please note that the amendments to the claims referred to above are based upon the version of the claims as they existed subsequent to the Article 34 Amendment which was made during the International Stage by the Applicant (See Annex pages 11-17 to the International Preliminary Examination Report dated November 13, 2001). More particularly, claims 13-22 are cancelled, claims 4-7, 9-12, 25, 26, 28, 30-33 and 35 are amended, and claims 1-3, 8, 23, 24, 27, 29, 34 and 36-37 remain unchanged. Accordingly, claims 1-12 and 23-37 now remain in this application. The claim fees as set forth in form PTO-1390 are calculated pursuant to the amendments to the claims made in the present Preliminary Amendment.

However, the Commissioner is hereby authorized to charge any deficiency in the payment of the required fee(s) or credit any overpayment to Deposit Account No. 13-1940.

Applicant respectfully requests that the Examiner enter an allowance of all claims in this case. Action to that end is courteously solicited. If any issues remain to be resolved prior to granting of this application, it is respectfully requested that the Examiner contact the undersigned attorney for the Applicant at the number listed below.

Respectfully submitted,

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Marked-Up Version of Amended Claims Pursuant To 37 C.F.R. §1.121(c)(1)(ii)

4. (Amended) The use as claimed in ~~any one of the preceding claims~~ claim 1 or claim 2 wherein the extract is obtained from juice derived from the green leafy parts of the plants harvested when the plants are at the unjointed or immature development stage.

5. (Amended) The use as claimed in ~~any one of the preceding claims~~ claim 1 or claim 2 wherein the liquid extract comprises substantially only the water soluble components of the juice..

6. (Amended) The use as claimed in ~~any one of the preceding claims~~ claim 1 wherein the primary treatment substance comprises an antibiotic in a carrier or excipient for topical or external application to the subject, the secondary substance being mixed in the same carrier or excipient.

7. (Amended) A ~~substance~~ product for the adjunct treatment of animals including humans to reduce the incidence or severity of side effects associated with a primary chemical treatment of the animal, the ~~secondary substance~~ product comprising a pharmaceutically acceptable liquid extract from a juice derived from rye grass (Secale Cereale) and carried in a pharmaceutically acceptable carrier or excipient for application to and take up by an animal subject.

9. (Amended) A ~~substance~~ product as claimed in claim 8 wherein the juice is derived from rye grass (Secale Cereale).

10. (Amended) A ~~substance~~ product as claimed in ~~claim 7, 8 or 9~~ claim 7 or claim 8 wherein the extract is obtained from juice derived from the green leafy parts of the plants harvested when the plants are at the unjointed or immature development stage.

11. (Amended) A ~~substance~~ product as claimed in ~~any one of claims 7 to 10~~ claim 7 or claim 8 wherein the liquid extract comprises substantially only the water soluble components of the juice.

12. (Amended) A ~~substance~~ product as claimed in ~~any one of claims 7 to 11~~ claim 8 wherein the primary treatment substance comprises an antibiotic in a carrier or excipient for topical or external application to the subject, the secondary substance being mixed in the same carrier or excipient.

25. (Amended) An adjunct secondary treatment substance as claimed in claim 23 ~~or claim 24~~ wherein the liquid extract comprises substantially only the water soluble components of the juice.

26. (Amended) An adjunct secondary treatment substance as claimed in ~~any one of claims 23 to 25~~ claim 23 wherein the product includes both the secondary substance for the adjunct treatment mixed in the same carrier or excipient as the primary substance used for the primary chemical treatment whereby both the primary treatment substance and the secondary substance are administered to the subject simultaneously.

28. (Amended) A method of enhancing the therapeutic treatment of an animal, including a human, ~~e.g.~~ for a pathological or injured or abnormal condition or for precautionary or preventative treatment before during or after a traumatic event or immuno compromised or vulnerable condition of the animal, by reducing the incidence or severity of side effect associated with a primary chemical treatment involving the administration of a primary substance, the method comprising administering to the animal, in conjunction with the administration of the primary treatment substance, a pharmacologically or therapeutically effective amount of a secondary substance to reduce the incidence or severity of the side effects, the secondary substance including an extract from cereal plants, the extract comprising a pharmaceutically acceptable

extract derived from juice of cereal plants, the extract being carried in a pharmaceutically acceptable base carrier or excipient enabling the secondary substance to be taken up by the animal being treated, the secondary substance administered being in a quantity and over a period of time to be effective to achieve the side effect reduction.

30. (Amended) A method as claimed in claim 28 ~~or 29~~ wherein the extract is obtained from juice derived from the green leafy parts of the plants harvested when the plants are at the unjointed or immature development stage.

31. (Amended) A method as claimed in ~~any one of claims 28 to 30~~ claim 28 wherein the liquid extract comprises substantially only the water soluble components of the juice.

32. (Amended) A method as claimed in ~~any one of claims 28 to 31~~ claim 28 wherein the administration of the secondary substance occurs at least simultaneously with the administration of the primary treatment substance.

33. (Amended) A method as claimed in ~~any one of claims 28 to 32~~ claim 28 wherein the administration of the secondary substance comprises external application to the animal of the secondary substance so that the secondary substance is taken up by the body by absorption through the skin or mucous tissues.

35. (Amended) A method as claimed ~~any one of claims 28 to 34~~ claim 28 wherein the primary substance comprises an antibiotic substance.